

## **REMARKS**

Applicant has filed the present Amendment and Response in reply to the outstanding Official Action of November 17, 2005. Applicant respectfully requests that the Examiner reconsider the application in view of the amendments and arguments set forth below. Applicant submits that the amendments and arguments are fully responsive to the rejections.

Applicant would like to thank the Examiner for meeting with Applicant's representative in a personal interview on March 7, 2006. Applicant notes that several claim amendments were discussed to clarify the claims.

Accordingly, Claims 1, 10 and 19 have been amended herewith. Claims 2, 11 and 20 have been cancelled. Firstly, the claims were amended to clarify that permission/non-permission is based upon a reservation. Secondly, the claims were amended to clarify the difference between a reservation request and a reservation.

Applicant also added a limitation directed to authentication to Claim 1. Claim 1 has been amended to include the limitation of "authentication server for receiving a first authentication including a user identification and password from a network communicator via an edge router and judging whether or not an entry in coincidence with said user identification and password exists within an authentication database, if there is a match, said authentication server sends a first authentication signal to said edge router, and if there is no match, said authentication server sends signal to said edge router instruction said edge router to not allow access to either an Internet or ISP LAN". Further, the claim is amended to recite that "if said authentication server sends the first authentication signal, said contract units judges whether said user reserved the current time period". Applicant further notes that Claims 1, 10 and 19 are amended to recite that if said contract unit judges that no prior reservation request had been made, the contract unit

automatically directs said network management system to reroute the user to an ISP LAN by issuing commands to the edge router that limit user access to said ISP LAN only, such that a reservation request can be made by the user via a web server on said ISP LAN, said reservation request is made by issuing a second authentication, and if said second authentication is successful, the user has access to reservation services, said user issues a reservation request for the current time period, upon receipt of the reservation request, said contract unit locks said reservation table preventing any other access to said reservation table, said contract unit permits said reservation request when the number of users connecting to the Internet at a same time as said time period included in said reservation request is smaller than or equal to a predetermined value, once said reservation request has been accepted, the user issue a second Internet access request. Claim 1 has also been amended to incorporate the subject matter of Claim 2. Applicant notes that corresponding amendments were made to Claims 10 and 19.

No new matter has been added by the aforementioned amendments. For example, support therefor can be found at paragraphs 81, 86, 90, 92, 103-114, 117-122, 136, and 140.

Applicant submits that the above-identified amendments overcome the rejection pursuant to 35 U.S.C. § 112, first paragraph.

Applicant notes that the Examiner asserts that the term “edge router” is a relative term, which renders the claim indefinite. The Examiner defines the term edge router by using a dictionary, such that the definition includes elements that are relative, i.e., the term edge is relative as described in the definition since edge of one network can be the core of another. However, an edge router allows access to any network by putting a label to a packet based upon

data of a user. An edge router (i) identifies a packet and (ii) dispatches the packet to the appropriate network. A core router does not perform these functions.<sup>1</sup>

In the outstanding Official Action, the Examiner rejected Claims 1, 2, 8-11 and 17-20 under 35 U.S.C. § 103 (a) as being unpatentable over Malik, United States Patent No. 6,584,097 (hereinafter “Malik”) in view of Malik, United States Patent No. 6,415,027 (hereinafter “Malik ‘027”). Applicant traverses the rejection based upon at least the following analysis.

Both references are directed to providing ISP service over a telephone line, such as a PSTN. Malik teaches a system and method for making an Internet reservation by making a telephone call to a reservation server. Malik ‘027 teaches a telephone network routing and management system for routing a data call to the Internet. Malik ‘027 teaches that if resources are not available, a call is re-routed to a different LRN; however, the reference does not teach re-routing to an ISP LAN or limiting access to the Internet

Malik teaches the data calls are treated in a similar manner as normal POTS calls. To support multiple connections, ISPs must maintain numerous telephone lines connected to modems. Rather than advertising a different telephone number for each telephone line, ISPs generally advertise a limited number of telephone access numbers. Each telephone access number corresponds to one or more telephone lines. MLHG 22 is a modem pool allowing multiple simultaneous connections and is controlled by access server 23. MLHG 22 takes incoming subscriber calls and routes them to the first open modem in the modem pool. When caller 30 dials the telephone access number for ISP 20 (using computer 31, modem 32 and subscriber line 33), PSTN 10 processes the call like any other call. That is, the call is routed

---

<sup>1</sup> Additionally, the fact that claim language includes terms of degree does not automatically render the claim indefinite. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed in light of the specification.

between caller 30 and called party (in this case, ISP 20) through one or more switches. If the ISP's lines are all busy, or "off-hook", i.e., there are no voice communications paths available, the caller gets a busy-signal, which is provided by the PSTN.

Accordingly, Applicant submits that the hypothetically combined references fail to teach the limitation of the contract unit automatically directing said network management system to **reroute the user to an ISP LAN by issuing commands to an edge router that limit user access to said ISP LAN only, such that a reservation request can be made by the user via a web server on said ISP LAN**, as recited in Claim 1, and similarly recited in Claims 10 and 19.

Specifically, Applicant disagrees with the Examiner's contention the Malik '027 teaches automatically directing said network management system to reroute the user to an ISP LAN by issuing commands to an edge router that limits user access to said ISP LAN only.

While Malik '027 does teach re-routing, the re-routing is not to an ISP LAN. Furthermore, the reference is not clear that access to the Internet is limited.

In the invention summary Malik '027 states:

After receiving an LNP query, the INTRAC unit determines from the resource table whether the called party has capacity to process the subscriber's call. If resources are available, the INTRAC returns the routing directions for the preferred provider of the service within the Local Routing Number (LRN) of the LNP response. If service is not available, then the call to the ISP is either **redirected to another LRN or is intercepted**, in which case the subscriber receives a busy signal or other error treatment. As a result, when resources are not available, the signaling between the subscriber and the ISP provider is eliminated, thereby reducing traffic within the PSTN.

Col. 3: 51-63

A local routing number is a number where a call is routed. The LRN is used to route a subscriber to the access server.

Further, Malik states that the LRN is provided to the switch to direct the call to a preferred location or trunk group. The LRN, for instance, may redirect the subscriber's call to a different location or, alternatively, simply contains the same telephone number called by the subscriber. The INTRAC unit 45, therefore, may rely upon the resource tracker 50 to redirect calls, to determine whether resources are available to connect the subscribers' call, or to determine whether the subscriber's call should be terminated. The purpose of the LRN is to route the calls away from the PSTN. A resource table is used to monitor and track the number of calls for an ISP. The resource table 43 includes an entry for the volume of calls permitted to that ISP, such as 50 calls, and the present number of active calls. The resource table 43 may also include an entry enabling the routing of overflow calls and also one or more entries designating the LRNs for overflow calls.

Malik '027 appears to teach standard overflow routing of calls. Specifically, if the ISP is at peak capacity, the system checks whether overflow capacity is enabled and, if so, where the call should be routed. The customer IDs may instead be dedicated to different POPs of an ISP with subscribers preferably being directed to the closest POP and with overflow calls being directed to other POPs of the ISP. Instead of directing calls to another POP or type of service within a single ISP, the overflow may direct calls to a secondary or back-up ISP. Clearly, the purpose of Malik '027 is not to limit access to only an LAN, rather to allow access to the Internet by rerouting to a different (open) local routing number. For example, when resources for a first ISP are at peak capacity or above a certain threshold level of capacity, the INTRAC unit 45 redirects calls away from that first ISP to a second ISP having excess capacity. In fact,

the reference fails to even mention of re-routing to a LAN, or preventing access to the Internet by re-routing the subscriber to a non-access point.

Applicant appreciates that Malik teaches a standby system where a user can wait on a waiting list of subscribers who wish to use the reservation line (without a reservation).

However, even in view of Malik '027, Applicant submits that the combination teaches making a reservation “on the fly” as claimed.

Applicant also submits that the combination of Malik and Malik '027 fail to teach the limitation of “if said authentication server sends the first authentication signal, said contract units judges whether said user reserved the current time period,” as recited in amended Claim 1, 10 and 19.

Applicant also submits that the combination of Malik and Malik '027 fail to teach the limitation of said reservation request is made by issuing a second authentication, and if said second authentication is successful, the user has access to reservation services, said user issues a reservation request for the current time period, upon receipt of the reservation request, said contract unit locks said reservation table preventing any other access to said reservation table, said contract unit permits said reservation request when the number of users connecting to the Internet at a same time as said time period included in said reservation request is smaller than or equal to a predetermined value, once said reservation request has been accepted, the user issue a second Internet access request; as recited in Claims 1 and 19 and similarly recited in Claim 10. (Emphasis Added)

Therefore, for all of the above reasons, Malik and March et al., taken alone or in any proper combination, do not disclose or suggest the claimed matter as recited by independent

Claims 1, 10 and 19. Therefore, for at least the reasons presented above, Claims 1, 10 and 19 are believed patentably distinct over the cited prior art references.

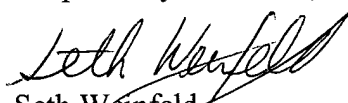
Claims 3-9, and 12-18 are patentably distinct from Malik and Malik '027, based upon their dependency, whether directly or indirectly from Claims 1, 10 and 19, respectively. Yeh fails to remove any of the aforementioned deficiencies.

Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1, 3-9, and 12-19 under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 3-9, and 12-19, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

  
Seth Weinfeld  
Registration No. 50,929

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza - Ste. 300  
Garden City, New York 11530  
(516) 742-4343

SW:ae